



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Clifford B. Jones, President
Texas Technological College
Lubbock, Texas

Dear Sir:

Opinion No. 0-3881
Re: Appropriation of \$2,000 per
year to Texas Tech for "labor."

In your letter of August 19, 1941, you direct our attention to Item No. 309 appearing in the appropriation for Texas Technological College for the next biennium, said appropriation being found in House Bill No. 272, 47th Legislature. Prior to the listing of the various items appropriated for Texas Technological College, at page 1069 of the 1941 Vernon's Texas Session Law Service, appears the following: "Salaries (nine months unless otherwise specified)." Sub-item No. 309, found at page 1077 of said Vernon's Texas Session Law Service, is an appropriation of \$2,000 for each of the two years in the next biennium for "labor." You request our opinion in substance as to whether Item No. 309 is subject to the aforementioned provision to the effect that salaries shall be on a nine months basis unless otherwise specified.

In the appropriation for the operation of this institution there are listed many salary items for particular positions, such as Item 258, "Librarian - \$3100.00," and Item 307, "Campus Gardener - \$900.00," and Item 305, "Laborer - \$900.00." The item under examination is not for any particular position or task, but is merely for "labor." The restriction that salaries shall be for nine months unless otherwise specified has a broad field for operation, to-wit, the many definite and fixed salary items such as have just been illustrated. The appropriation of \$2,000.00 for "labor" evidently was made in contemplation of a probable need for seasonal labor, but which could not be foreseen and provided for in a more detailed and accurate way. The restriction mentioned is not applicable. The appropriation made in Item 309 for "labor" is inconsistent with such restriction, and we think its language has the effect of providing "otherwise" than for the same, in whole or in its parts, to be divided into nine equal monthly items.

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It is our opinion that said Item 309 is not subject to the nine-month restriction on salaries.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

/signed/
Glenn R. Lewis
Assistant

GRL:ej

APPROVED AUG 26, 1941
/s/ Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED
OPINION COMMITTEE
By /s/ H.W.B.
Chairman